

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| UNITED STATES OF AMERICA, |) | Case No. 1:13cr151-3 |
| |) | |
| Plaintiff, |) | Judge Solomon Oliver, Jr. |
| |) | |
| vs. |) | REPORT AND RECOMMENDATION |
| |) | OF MAGISTRATE JUDGE |
| OHIO TRANSPORT CORPORATION, |) | |
| |) | |
| Defendant. |) | Magistrate Judge Greg White |
| |) | |

Pursuant to General Order 99-49, this matter was been referred to the undersigned United States Magistrate Judge for the purpose of receiving, after consent, the Defendant Corporation's plea of guilty. The following, along with the transcript or other record of the proceedings submitted herewith, constitutes this Court's Report and Recommendation concerning the Defendant Corporation's plea of guilty:

1. On September 9, 2013, William C. Hill, Jr., President of Defendant Corporation, accompanied by counsel, proffered a plea of guilty;
2. William C. Hill, Jr., President of Defendant Corporation, was examined as to his competency to participate in a plea proceeding and was found to be competent;
3. William C. Hill, Jr., President of Defendant Corporation, acknowledged understanding the nature of the charge(s) contained in the indictment and the maximum possible sentence consequent thereto;
4. William C. Hill, Jr., President of Defendant Corporation, was advised of Ohio Transport Corporation's rights to tender a plea of not guilty or stand upon such a plea previously entered, to trial, to representation by counsel, including appointed counsel, at all stages of the proceedings, to confront and cross-examine adverse witnesses, to present witnesses and to compel their presence, and acknowledged understanding that if a plea of guilty was accepted each of those rights would be waived;
5. William C. Hill, Jr., President of Defendant Corporation, was advised that the government would have the right, in a prosecution for perjury, to use any statement he makes under oath;

6. William C. Hill, Jr., President of Defendant Corporation, and counsel informed the Court of the plea agreement between the parties, and the Defendant Corporation advised that, aside from such agreement as described and submitted to the Court, no other commitments or promises have been made by anyone, and no other agreements, written or unwritten, have been made;
7. William C. Hill, Jr., President of Defendant Corporation, was advised that the terms of the plea agreement retaining only a limited right to appeal or collaterally attack Ohio Transport Corporation's conviction(s), and sentence(s) will be binding;
8. The parties provided the undersigned with sufficient information about the charged offense(s) and the Defendant Corporation's conduct to establish a factual basis for the plea; and,
9. The undersigned questioned William C. Hill, Jr., President of Defendant Corporation, under oath about the knowing, intelligent, and voluntary nature of the plea of guilty, and finds that William C. Hill, Jr.'s plea was offered knowingly, intelligently, and voluntarily on behalf of Ohio Transport Corporation.

In light of the foregoing and the record submitted herewith, the undersigned finds that all requirements imposed by the United States Constitution and Fed. R. Crim. P. 11 have been satisfied. Therefore, the undersigned recommends that the plea of guilty be accepted and a finding of guilty be entered by the Court.

s/Greg White
Greg White
United States Magistrate Judge

Date: September 9, 2013

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days after being served with a copy of this Report and Recommendation. Failure to file objections within the specified time may waive the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).